IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2067 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PIYUSH MANSUKHLAL SHAH

Versus

BHAVNAGAR MUNICIPAL CORPORATION

Appearance:

MR BIPIN I MEHTA for Petitioner

MR HS MUNSHAW for Respondent No. 1

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 10/04/2000

ORAL JUDGEMENT :

Rule. Mr.H.S. Munshaw waives service of rule.

2. With the consent of the parties the matter is taken up today for final disposal. The petitioner has approached this Court by way of this petition for reliefs to the effect that the respondent corporation be directed

to pay proper subsistence allowance as per the rules. He has also prayed that the inquiry is delayed for a very long time inasmuch as the inquiry was initiated on 18.11.1988. However, nothing substantial is done so far in the said departmental proceedings.

3. In the facts and circumstances of the case, it will be just and proper to direct the respondent authorities to decide about the departmental inquiry, contemplated/ initiated against the petitioner. Mr.Munshaw for the respondent corporation does not have anything to submit in defence of such a situation where the departmental inquiry is kept hanging for 11 to 12 years. In the facts and circumstances of the case respondent no.1 is directed to bring to its logical end, the departmental inquiry preferably within four months, but not later than 31.8.2000. Mr.Munshaw submits that the same can happen only if the petitioner cooperates with the authorities. Mr.Bipin Mehta for the petitioner makes a statement that the petitioner will extend his full cooperation and will not seek time on any unreasonable ground.

4. With aforesaid observations/ directions the petition is allowed. Rule is made absolute to the aforesaid extent with no order as to cost. D.S. permitted.

(Ravi R. Tripathi, J.)

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